

Agricultural Act of 1949, as amended, and a prevented planting indemnity under the crop insurance program. Because the weather conditions in various parts of the midwest have not been conducive to timely planting of various 1995 program crops, an emergency situation exists for many producers which requires that this rule be made effective retroactive to January 1, 1995, without prior notice and comment. Comments are solicited for 60 days after the date of publication in the **Federal Register** and will be considered by FCIC before this rule is made final.

#### List of Subjects in 7 CFR Part 457

Crop insurance, Small grains, Coarse grains, Cotton, ELS cotton.

#### Interim Rule

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby amends the Common Crop Insurance Regulations (7 CFR Part 457) by amending the Small Grains (§ 457.101), Cotton (§ 457.104), Extra Long Staple Cotton (§ 457.105), and Coarse Grains (§ 457.113) Crop Provisions, applicable for the 1995 crop year only, to read as follows:

#### PART 457—[AMENDED]

1. The authority citation for 7 CFR part 457 continues to read as follows:

**Authority:** 7 U.S.C. 1506(1).

2. Section 457.101 is amended by revising paragraph 12.(d)(3)(iii)(C) to read as follows:

#### § 457.101 Small Grains Crop Insurance.

\* \* \* \* \*

#### 12. Late Planting and Prevented Planting

\* \* \* \* \*

(d) \* \* \*

(3) \* \* \*

(iii) \* \* \*

(C) Land used for conservation purposes or intended to be left unplanted under any program administered by the United States Department of Agriculture (Proof that the insured had the seed, chemicals and other materials available to plant and produce a crop with the expectation of at least producing the production guarantee may be required.);

\* \* \* \* \*

3. Section 457.104 is amended by revising paragraph 12.(d)(3)(iv)(C) to read as follows:

#### § 457.104 Cotton Crop Insurance Provisions.

\* \* \* \* \*

#### 12. Late Planting and Prevented Planting

\* \* \* \* \*

(d) \* \* \*

(3) \* \* \*

(iv) \* \* \*

(C) Land used for conservation purposes or intended to be left unplanted under any program administered by the United States Department of Agriculture (Proof that the insured had the seed, chemicals and other materials available to plant and produce a crop with the expectation of at least producing the production guarantee may be required.);

\* \* \* \* \*

4. Section 457.105 is amended by redesignating paragraphs 12.(e) (3) and (4) as paragraphs 12.(e) (4) and (5), by redesignating the second paragraph 12.(e)(2) as paragraph 12.(e)(3), and revising paragraphs 12.(e) (3) and (4) and 12.(e)(4)(iii) to read as follows:

#### § 457.105 Extra Long Staple Cotton Crop Insurance Provisions.

\* \* \* \* \*

#### 12. Prevented Planting

\* \* \* \* \*

(e) \* \* \*

(1) \* \* \*

(2) \* \* \*

(3) Acreage intended to be planted under an irrigated practice will be limited to the number of acres properly prepared to carry out an irrigated practice.

(4) A prevented planting production guarantee will not be provided for:

(i) \* \* \*

(ii) \* \* \*

(iii) Land used for conservation purposes or intended to be left unplanted under any program administered by the United States Department of Agriculture (Proof that the insured had the seed, chemicals and other materials available to plant and produce a crop with the expectation of at least producing the production guarantee may be required.);

\* \* \* \* \*

5. Section 457.113 is amended by revising paragraph 13.(d)(3)(iv)(C) to read as follows:

#### § 457.113 Coarse Grains Crop Insurance Provisions.

\* \* \* \* \*

#### 13. Late Planting and Prevented Planting

\* \* \* \* \*

(d) \* \* \*

(3) \* \* \*

(iv) \* \* \*

(C) Land used for conservation purposes or intended to be left unplanted under any program administered by the United States Department of Agriculture (Proof that the insured had the seed, chemicals and other materials available to plant and produce a crop with the expectation of at least producing the production guarantee may be required.);

\* \* \* \* \*

Done in Washington, D.C., on June 29, 1995.

**Kenneth D. Ackerman,**

*Manager, Federal Crop Insurance Corporation.*

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#### Commodity Credit Corporation

#### 7 CFR Part 1446

RIN 0560-AD90

#### Peanuts

**AGENCY:** Commodity Credit Corporation, USDA.

**ACTION:** Interim rule with request for comments.

**SUMMARY:** This rule adds to the peanut price support regulations in 7 CFR part 1446 a reference to crop insurance requirements contained in 7 CFR part 400 which effect the eligibility of peanut producers for price support. Under the provisions of part 400, producers generally must obtain crop insurance for all crops in which they have an interest in the county where the peanuts are produced. The crop insurance requirements of part 400, which implement provisions of the recently-enacted Federal Crop Insurance Reform Act of 1994 (1994 Act), are in addition to all existing eligibility requirements for price support for peanuts contained in part 1446 and elsewhere.

**DATES:** This interim rule is effective July 12, 1995. Written comments and data on this rule will be accepted until close of business August 11, 1995, and will be considered when the rule is to be made final.

**ADDRESSES:** All interested persons are invited to submit written comments and data concerning this interim rule to the Director, Tobacco and Peanuts Division, CFSA, U.S. Department of Agriculture, PO Box 2415, Washington, DC. 20013-2415, or deliver by hand or messenger to room 5750, South Building, USDA, 14th Street and Independence Avenue, SW, Washington, D.C. All written submissions received in response to this request will be made available for public inspection in room 5750, South Building, USDA, between the hours of 8:15 a.m. and 4:45 p.m., on regular Federal workdays.

**FOR FURTHER INFORMATION CONTACT:** Gary S. Fountain, Consolidated Farm Service Agency, USDA, PO Box 2415, Washington, DC. 20013-2415; telephone (202) 720-9106.

## SUPPLEMENTARY INFORMATION:

**Executive Order 12866**

This rule has been determined to be not-significant for purposes of Executive Order 12866 and therefore has not been reviewed by OMB.

**Federal Assistance Program**

The title and number of the Federal assistance program, as found in the Catalog of Federal Domestic Assistance, to which this interim rule applies is: Commodity Loans and Purchases—10.051.

**Regulatory Flexibility Act**

It has been determined that the Regulatory Flexibility Act (5 U.S.C. 601–611) is not applicable to this interim rule since the Commodity Credit Corporation (CCC) and the Consolidated Farm Service Agency (CFSA) are not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

**Executive Order 12372**

This program/activity is not subject to the provisions of Executive Order 12372, which require intergovernmental consultation with State and local officials. See the Notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115, June 24, 1983.

**Paperwork Reduction Act**

This interim rule does not change the CFSA information collection requirements that have been approved by OMB and assigned OMB control numbers 0560–0006, 0560–0014, and 0560–0033. The catastrophic risk protection insurance coverage requirements have been included in the following information collection packages and submitted to OMB for clearance: 0563–0001, 0563–0003 and 0563–0029.

**Executive Order 12612**

It has been determined under section 6(a) of Executive Order 12612, Federalism, that this interim rule does not have significant Federalism implications to warrant the preparation of a Federalism Assessment. The provisions and procedures contained in this rule will not have a substantial direct effect on States or their political subdivisions, or on the distribution of power and responsibilities among the various levels of government.

**Executive Order 12778**

This interim rule has been reviewed in accordance with Executive Order 12778. The provisions of this interim

rule are not retroactive and preempt State laws to the extent that such laws are inconsistent with the provisions of this interim rule. Before any legal action is brought regarding determinations made under provisions of 7 CFR part 1446, the administrative appeal provisions set forth at 7 CFR part 780 must be exhausted.

**Environmental Evaluation**

This action is not expected to have any significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

**Discussion**

The 1994 Act, enacted on October 13, 1994, requires that persons who seek price support benefits for peanuts, and certain other farm program benefits, must acquire at least the catastrophic level of protection for all insurable crops of “economic significance,” in which they have an interest, that are grown in the same county as the crop for which price support, or other benefit, is sought. If insurance is available, the person must obtain insurance on all crops of “economic significance” in the county that he or she has an interest, not just the supported crop. A crop of “economic significance” is a crop that has contributed, or is expected to contribute, 10 percent or more of the total expected value of all crops grown by the person.

The provisions of the 1994 Act are administered by the Federal Crop Insurance Corporation (FCIC). FCIC has issued, by an interim rule published on January 6, 1995 (60 FR 1996), regulations which implement the 1994 Act and which will be codified in 7 CFR part 400.

Price support for peanuts is made available under the Agricultural Act of 1949, 7 USC 1421 *et seq.* The peanut price support regulations are found at 7 CFR part 1446. As the provisions of part 400 and of the 1994 Act are mandatory and binding, there would be no purpose in delaying the amendment to part 1446 adopted in this rule, as that amendment is merely a conforming amendment.

**List of Subjects in 7 CFR Part 1446**

Loan programs—Agriculture, Peanuts, Price support programs, Reporting and recordkeeping requirements, Warehouses.

For the reasons set forth in the preamble, 7 CFR part 1446 is amended to read as follows:

**PART 1446—PEANUTS**

1. The authority citation for 7 CFR part 1446 continues to read as follows:

**Authority:** 7 U.S.C. 1359a, 1375, 1421 *et seq.*; 15 U.S.C. 714b and 714c.

2. The definition of “Eligible producer” at § 1446.103 is amended by adding paragraph (3)(iv) to read as follows:

**§ 1446.103 Definitions.**

(3) \* \* \*

(iv) Part 400 of this title relating to crop insurance requirements.

\* \* \* \* \*

Signed at Washington, DC, on July 5, 1995.

**Bruce R. Weber,**

*Acting Executive Vice President, Commodity Credit Corporation.*

[FR Doc. 95–16993 Filed 7–11–95; 8:45 am]

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**DEPARTMENT OF ENERGY****10 CFR Part 1008****Records Maintained on Individuals (Privacy Act)**

**AGENCY:** Department of Energy.

**ACTION:** Final rule.

**SUMMARY:** The Department of Energy (DOE) amends its Privacy Act regulation by adding two systems of records to the list of systems exempted from certain subsections of the Act. Exemption from certain subsections is needed to enable the Office of Counterintelligence to perform its duties and responsibilities. These include deterring and neutralizing foreign industrial and intelligence activities in the United States that are directed at or involving the DOE, conducting administrative counterintelligence investigations, participating in law enforcement counterintelligence investigations with the Federal Bureau of Investigation (FBI) and other Federal agencies, performing analyses and producing intelligence on counterintelligence matters, and briefing and debriefing individuals regarding DOE foreign contacts and travel. These duties and responsibilities are carried out pursuant to Executive Order 12333, the *Department of Energy Procedures for Intelligence Activities*, and DOE Order 5670.3, “Counterintelligence Program.”

**EFFECTIVE DATE:** This rule becomes effective July 12, 1995.

**FOR FURTHER INFORMATION CONTACT:** GayLa Sessoms, Privacy Act Officer (HR–78), (202) 586–6020, Abel Lopez, Attorney-Advisor (GC–80), (202) 586–8618, or Chuck Washington, Program